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5 Attorney for Defendant  
6 ROLANDO MEDINA

7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10  
11 UNITED STATES OF AMERICA, ) No. Cr. S 03-549 EJG  
12 Plaintiff, )  
13 v. ) **STIPULATION TO REDUCE SENTENCE**  
14 ROLANDO MEDINA, ) **PURSUANT TO 18 U.S.C. § 3582(c)(2)**  
15 Defendant. )  
16 \_\_\_\_\_ ) **RETROACTIVE CRACK COCAINE**  
17 ) **REDUCTION CASE**  
18 ) Date: Friday, May 23, 2008  
19 ) Time: 10:00 a.m.  
20 ) Judge: Hon. EDWARD J. GARCIA.

21 Defendant, ROLANDO MEDINA, by and through his attorney, Assistant  
22 Federal Defender David M. Porter, and plaintiff, UNITED STATES OF  
23 AMERICA, by and through its counsel, Assistant U.S. Attorney RICHARD J.  
24 BENDER, hereby stipulate as follows:

25 1. Pursuant to 18 U.S.C. § 3582(c)(2), this court may reduce the  
term of imprisonment in the case of a defendant who has been sentenced  
to a term of imprisonment based on a sentencing range that has  
subsequently been lowered by the Sentencing Commission pursuant to 28  
U.S.C. § 994(o);

26 2. On April 8, 2005, this Court sentenced Mr. Medina to a term  
of imprisonment of 151 months;

27 3. The sentencing range applicable to Mr. Medina was

1 subsequently lowered by the United States Sentencing Commission in  
2 Amendment 706 by two levels;

3       4. Mr. Medina's adjusted offense level has been reduced from 34  
4 to 32, and a sentence at the low end of the new guideline range is 121  
5 months;

6       5. Accordingly, the parties request the court enter the order  
7 lodged herewith reducing Mr. Medina's term of imprisonment to an  
8 aggregate term of 121 months on all counts.

9 Dated: May 5, 2008

10 Respectfully submitted,

11 McGREGOR SCOTT  
United States Attorney

DANIEL J. BRODERICK  
Federal Defender

13 /s/ Richard J. Bender

/s/ David M. Porter

14 RICHARD J. BENDER  
Assistant U.S. Attorney

DAVID M. PORTER  
Assistant Federal Defender

15 Attorney for Plaintiff  
16 UNITED STATES OF AMERICA

Attorney for Movant  
ROLANDO MEDINA

17 ORDER

18       This matter came before the Court on the motion of the defendant  
19 for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) filed on  
20 January 14, 2008. The motion was set for hearing on May 23, 2008, but  
21 because the parties have stipulated to the resolution, the matter is  
22 taken off calendar.

23       On April 8, 2005, this Court sentenced Mr. Medina to a term of  
24 imprisonment of 151 months. The parties agree, and the Court finds,  
25 that Mr. Medina is entitled to the benefit of the retroactive amendment  
26 reducing crack cocaine penalties, which reduces the applicable offense

28 STIPULATION and ORDER REDUCING SENTENCE

1 level from 34 to 32.

2 IT IS HEREBY ORDERED that the term of imprisonment originally  
3 imposed is reduced to an aggregate term of 121 months on all counts;

4 IT IS FURTHER ORDERED that all other terms and provisions of the  
5 original judgment remain in effect.

6 Unless otherwise ordered, Mr. Medina shall report to the United  
7 States Probation office closest to the release destination within  
8 seventy-two hours after his release.

9 Dated: May 13, 2008

10  
11 /s/ Edward J. Garcia  
12 HONORABLE EDWARD J. GARCIA  
13 United States District Judge  
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